HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION NOS.15937 AND 15938 OF 2006

W.P.NO.15937 OF 2006:
Between:

Tammineedi Lakshmi Nagamani & others

..... Petitioners

AND

The District Collector & Election Officer,
Eluru, West Godavari District & others.

.....Respondents

W.P.NO.15938 OF 2006:
Between:

Ungarala Lakshmi & others

..... Petitioners

AND

The District Collector & Election Officer,
Eluru, West Godavari District & others.

.....Respondents

:: COMMON ORDER ::

Counsel for the Petitioners : Shri S. Lakshminarayana Reddy

Counsel for Respondent No.1 : Shri V.V. Prabhakar Rao

Counsel for Respondent Nos. 2 to 4: Government Pleader for Panchayat Raj

Dated: 10.08.2006

Per G.S.SINGHVI, CJ

In these petitions, the petitioners have prayed for grant of a declaration that failure of the respondents to include their names in the electoral roll of Dharbarevu Village, Narsapur Mandal, West Godavari District is illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India. They have further prayed for issue of a direction to the respondents to include their names in the electoral roll. Still further, they have prayed for issue of a direction to the respondents to allow them to cast votes in the forthcoming elections to the Gram Panchayat scheduled to be held on 06.08.2006.

Ordinarily, we would have, keeping in view the order dated 31.07.2006 passed by the learned Single Judge whereby rule nisi was issued and notice was made returnable in four weeks, adjourned the case with a direction to the respondents to file counter-affidavit, but do not consider it necessary to do so in view of the developments which have taken place during the pendency of the writ petition.

According to the learned counsel for the petitioners, in furtherance of the interim direction given by the learned Single Judge on 31.07.2006 in W.P.M.P.Nos.19870 and 19871 of 2006, the Electoral Registration Officer made recommendations on 04.08.2006 for inclusion of the names of 35 petitioners in the electoral rolls, but they were not allowed to cast vote in the elections held on 06.08.2006.

The aforementioned statement of the learned counsel shows

that the claim made by the remaining 30 petitioners for inclusion of their names in the electoral roll has been rejected by the competent authority.

In our opinion, the remedy, if any, available to the 30 petitioners whose names have not been included in the electoral roll is to file an appeal under the Representation of the People Act, 1950 and pursue other legal remedies, which may be available to them.

The grievance of the remaining petitioners that they were not allowed to cast vote in the elections cannot be adjudicated in this petition because the elections have already been concluded and at this stage no effective direction can be given by the Court to the respondents to allow them to cast vote in the elections. They too can avail appropriate legal remedy after the declaration of result.

With the above observations, the writ petitions are disposed of with liberty to the petitioners to pursue other remedies.

G.S.SINGHVI, CJ

G.V.SEETHAPATHY, J

10.08.2006
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